

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7474

BILL NUMBER: HB 1479

NOTE PREPARED: Feb 11, 2003

BILL AMENDED: Feb 10, 2003

SUBJECT: Medical Malpractice Claims.

FIRST AUTHOR: Rep. Kersey

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: **GENERAL
DEDICATED
FEDERAL**

IMPACT: No Fiscal Impact

Summary of Legislation: (Amended) This bill amends the definition of "nonparty" for purposes of comparative fault. The bill allows a jury to be informed that a person who may be at fault is immune from liability. The bill requires a jury to determine percentages of fault only of persons who may be liable. The bill repeals a provision that establishes a 90-day time limit for filing a nonparty defense in a malpractice case when a claim against a qualified health provider is filed with the Insurance Commissioner.

Effective Date: July 1, 2003.

Explanation of State Expenditures: (Revised) According to the Department of Insurance, the 90-day time limit for filing a nonparty defense provision is obsolete. The bill also amends the definition of "nonparty" for purposes of comparative fault. The bill may increase the total amount awarded to an individual in a civil suit due to the fact that jurors may be informed that an individual is immune from liability. This will not have any effect on the state as it is an immune entity.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected:

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